

REMARKS

Claims 1-14 are pending. Claims 1, 4, 5, 8, 12, and 13 have been amended.

In the Office Action mailed October 17, 2006, claims 1-5, 8, 12, and 13 were rejected under 35 U.S.C. § 112 as being indefinite, due to minor informalities. Those informalities have been corrected by the above amendments.

The Office Action also rejected claims 1-4, 6, 8, and 9-14 under 35 U.S.C. § 102 as anticipated by U.S. Pat. No. 7,016,872, to Bettis et al. These rejections are respectfully traversed.

Bettis teaches a system for disseminating information regarding trading activities of insider traders to the public. See, for example, column 1, lines 51-54 and column 3, lines 30-34. The idea is that insider trading activity can tip off an investor regarding the direction that the price of a particular publicly traded security is likely to move. Insiders are ranked according to how well their trading activities have predicted market movement. See, e.g., col. 4, lines 32-38. Bettis's invention is essentially the process of ranking.

Even though insider traders are tracked, Bettis's system does not obtain or rely upon any non-public information. Insider trading activity is tracked using publicly available information. See, e.g., column 1, lines 34-50. Since the information is obtained from SEC filings, there is no question of its trustworthiness, and Bettis says nothing about trustworthiness. The measure used by Bettis is of "performance" which, as explained above, is a measure of how well a particular insider's trading activities have predicted market movement in the security for which that trader is an insider. See, e.g., column 15, lines 41-42 ("Advantageously, these performance scores are a measure of the predictive nature of the investor's trading decisions.").

The present invention is unrelated to that of Bettis. As explained in the specification, information held by private and institutional investors historically has not been shared on a large scale. Types of information investors would want to share, but have historically been unable to share, include information on private investments, LBO (leveraged buyout) funds, venture funds, and hedge funds. In other words, the types of information not readily available in modem databases – just the opposite sort of information from that used by Bettis.

Moreover, the "trustworthiness" limitation in the present claims has nothing to do with the "performance" measure taught by Bettis. In the pending claims, trustworthiness means just

that – how trustworthy the suppliers of information regarding hedge funds, for example, have historically been. See, for example, page 2, lines 15-18.

Thus, the Office Action's rejection of claims 1-4, 6, 8, and 9-14 as anticipated by Bettis should be reconsidered and withdrawn. Anticipation requires each and every claim limitation to be taught by a single prior art reference. But Bettis says nothing about a measure of trustworthiness of information sources. Bettis only teaches a measure of performance that is related to how closely the market tracks an insider's trading activity.

Moreover, Bettis fails to teach the limitation of identifying the data received from the first user as coming from that user, and fails to teach using data from users of a highest level of trustworthiness. To belabor the point: Bettis does not rank information sources according to level of trustworthiness. No stretching of the English language will turn the insider trading performance measure of Bettis into a measure of trustworthiness of sources of information.

Claim 5 stands rejected under 35 U.S.C. § 103 as unpatentable over Bettis in view of U.S. Pat. No. 6,681,211, to Gatto. This rejection is respectfully traversed.

Gatto teaches a system for measuring performance of security analysts' earnings estimates and recommendations. Gatto also relies on publicly available information, and has no need to verify the trustworthiness of information sources. Gatto is measuring reliability of public information provided to investors in publicly traded securities. Instead of making predictions based on insider trading activity and then measuring how well those predictions tracked the market (as in Bettis), Gatto makes no predictions at all – he simply tracks the accuracy of predictions made by securities analysts. The system of Gatto is completely unrelated to that of the pending claims.

In any event, neither Bettis nor Gatto teaches ranking sources of information according to level of trustworthiness. Consequently, the rejection of claim 5 should be reconsidered and withdrawn. A section 103 rejection requires each and every claim limitation to be taught by at least one of the cited references.

Claim 7 stands rejected under 35 U.S.C. § 103 as unpatentable over Bettis in view of U.S. Pat. No. 5,517,406, to Harris et al., and further in view of Gatto. This rejection is respectfully traversed.